

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04-508_____
v.	:	DATE FILED: November 17, 2005_____
ALVIN JEROME WALTON, ANTHONY ANGELO WINFREY, JAMES BOSTICK JR., a/k/a "Rody"	:	VIOLATIONS:
	:	21 U.S.C. § 846 (conspiracy to distribute cocaine – 1 count)
	:	21 U.S.C. § 841(a)(1) (distribution of cocaine – 2 counts)
	:	21 U.S.C. § 841(a)(1) (possession with intent to distribute cocaine – 1 count)
	:	21 U.S.C. § 846 (attempted possession with intent to distribute cocaine – 1 count)
	:	18 U.S.C. § 2 (aiding and abetting) Notice of forfeiture

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least in or about March 2004 through on or about July 28, 2004, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ALVIN JEROME WALTON,
ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a "Rody"**

conspired and agreed, together and with persons unknown to the grand jury, to knowingly and intentionally distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States

Code, Section 841(a)(1), (b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant ALVIN JEROME WALTON would mail parcels from Texas containing cocaine to defendant ANTHONY ANGELO WINFREY, a resident at 1810 South Broad Street, Apartment 2B, Philadelphia.

3. Depending on the instructions that he received from defendant WALTON, defendant WINFREY would either safeguard the parcels of cocaine until pick-up by defendant JAMES BOSTICK JR., or defendant WINFREY would safeguard the parcels of cocaine until defendant WALTON arrived to pick them up.

4. If he was instructed to give the parcels containing cocaine to defendant BOSTICK, defendant WINFREY would wait to be contacted by defendant BOSTICK, who would then arrive at 1810 South Broad Street, Apartment 2B, Philadelphia, to receive the cocaine from defendant WINFREY.

5. If he was instructed to safeguard the parcels containing cocaine until defendant WALTON arrived to pick them up, defendant WINFREY would safeguard the parcels until defendant WALTON arrived at 1810 South Broad Street, Apartment 2B, and defendant WALTON would then make arrangements for defendant BOSTICK to pick up the cocaine directly from him.

6. After picking up a shipment of cocaine from 1810 South Broad Street, Apartment 2B, defendant BOSTICK would return several days later and deliver a package of cash to defendant WINFREY, who would then mail the package to defendant WALTON.

OVERT ACTS

In furtherance of the conspiracy, the defendants, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about July 26, 2004, defendant ALVIN JEROME WALTON mailed approximately 3 kilograms of cocaine in two separate parcels to defendant ANTHONY ANGELO WINFREY via U.S. Postal Express Mail services.

2. On or about July 27, 2004, defendant WALTON mailed approximately 3 kilograms of cocaine in two separate parcels to defendant WINFREY via Federal Express services.

3. On or about July 28, 2004, defendant WINFREY received approximately 3 kilograms of cocaine in two separate parcels sent from defendant WALTON in Texas via Federal Express services.

4. On or about July 28, 2004, defendant WINFREY attempted to receive approximately 3 kilograms of cocaine when he accepted two separate parcels that were sent from defendant WALTON in Texas via U.S. Postal Express Mail services.

5. On or about July 28, 2004, defendant WINFREY removed the boxes from the parcels that he had just received from Texas and placed the boxes in two separate plastic bags.

6. On or about July 28, 2004, defendant JAMES BOSTICK JR. traveled to 1810 South Broad Street, Apartment 2B, in a rented Nissan Altima with a person known to the grand jury to pick up the cocaine that had been delivered to defendant WINFREY.

7. On or about July 28, 2004, defendant BOSTICK met with defendant WINFREY inside 1810 South Broad Street. Defendant WINFREY handed to defendant BOSTICK the two plastic bags with the boxes containing the cocaine that had been sent from Texas.

8. On or about July 28, 2004, defendant BOSTICK took the two plastic bags that he had received from defendant WINFREY and placed them inside of the trunk of a Nissan Altima that was parked outside of 1810 South Broad Street.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 26, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ALVIN JEROME WALTON

knowingly and intentionally distributed, and aided and abetted the distribution of, 500 grams or more, that is, approximately 3 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 27, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

ALVIN JEROME WALTON

knowingly and intentionally distributed, and aided and abetted the distribution of, 500 grams or more, that is, approximately 3 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and
Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 28, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendants

**ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the
possession with intent to distribute, 500 grams or more, that is, approximately 3 kilograms, of a
mixture or substance containing a detectable amount of cocaine, a Schedule II controlled
substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and
Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 28, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

knowingly and intentionally attempted to possess with intent to distribute, and aided and abetted the attempt to possess with intent to distribute, 500 grams or more, that is, approximately 3 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 846 set forth in Counts One through Five of this indictment, the defendants

**ALVIN JEROME WALTON,
ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any matter or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this indictment;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code, as charged in this indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY